

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MWK RECRUITING, INC,

Plaintiff

v.

EVAN P. JOWERS,

Defendants

Case No. 1:18-cv-00444-RP

EVAN P. JOWERS,

Counterclaimant

v.

**MWK RECRUITING, INC.,
ROBERT E. KINNEY,
KINNEY RECRUITING LLC, and
KINNEY RECRUITING LIMITED,**

Counterdefendants

DECLARATION OF ROBERT E. KINNEY

I, Robert E. Kinney, declare as follows:

1. My name is Robert E. Kinney. I am of sound mind, I am capable of making this declaration (“**Declaration**”), and I have personal knowledge of the facts stated in this Declaration. All the facts stated in this Declaration are true and correct. I am over 21 years of age and have never been convicted of a felony or a crime of moral turpitude in any jurisdiction.

2. Attached as **Exhibit A** is a true and correct copy of email messages I received from Evan Jowers between December 18, 2016, and December 26, 2016, in which he described his litigation strategy. I have highlighted important passages.

3. Attached as **Exhibit B** is a true and correct copy of WhatsApp messages between myself and Jowers sent and received shortly after his resignation in December 2016. The white background messages are from Jowers. In these messages, Jowers further described his strategy and plans. I have highlighted important passages.

4. Attached as **Exhibit C** is a true and correct copy of correspondence received from Robert Tauler on October 14, 2021.

5. Attached as **Exhibit D** is a true and correct copy of Jowers’s initial Rule 26 disclosures, received on November 18, 2018.

6. Attached as **Exhibit E** is a true and correct copy of Jowers’s first supplemental Rule 26 disclosures, received on August 26, 2020.

7. Attached as **Exhibit F** is a true and correct copy of second supplemental Rule 26 disclosures, received on December 11, 2020. No further supplemental Rule 26 disclosures were received from Jowers after December 11, 2020.

8. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

9. Executed on October 27, 2021.

/s/ Robert E Kinney

Robert E. Kinney

Robert Kinney <robert@kinneyrecruiting.com>

simply not convinced the '06 agreement is enforceable, notwithstanding FL courts upholding most noncompete agreements (even post employment).

Evan Jowers <evan@evanjowers.com>

Sat, Dec 24, 2016 at 6:21 AM

To: Robert Kinney <robert@kinneyrecruiting.com>

And if the '06 agreement were to be enforceable (which I don't believe is the case and think would be entirely unfair), it's really more of a gotcha situation you have over me. Well, I have the a gotcha situation in return in that you can't serve me while I am outside the US. And even if you did serve me while I was visiting US, my lawyers would argue that I am not subject to jurisdiction of FL courts while living overseas, especially since I moved overseas with your company.

And I can't see how you could bring a successful litigation in HK courts. It would be especially complicated since they would not apply Florida law, won't pay much attention to the '06 agmt at issue, and will take into account that you refused to apply for a HK work visa for me for 18 months (for the expressed primary reason to keep me under the '06 agmt).

While you want me to concede that whether it is fair or not, you could have me under the '06 agmt (I still don't think it's enforceable), you won't take into account that you likely could not get any type of litigation off the ground against me.

I made you millions of dollars and alone built you a platform for Asia and built the Kinney brand more than you did over the past 11 years, all without you taking any risk of even \$1. it was a big win for you and a big loss for me. it was time to move on and any reasonable person (and any reasonable court in HK) will see that.

[Quoted text hidden]

Robert Kinney <robert@kinneyrecruiting.com>

Fiduciary duties owed by employees under FL law

Evan Jowers <evan@evanjowers.com>

Mon, Dec 26, 2016 at 10:30 AM

To: Robert Kinney <robert@kinneyrecruiting.com>

I am very much willing to discuss how to share live placements. I continue to offer to discuss an arrangement. We can discuss by phone today, tomorrow any day this week. I will make myself available, according to your schedule.

However, if you are not willing to discuss and keep trying to intimidate, I am very much looking forward to a very interesting litigation at some point in the future. It would have to be in Hong Kong though, as I have no intention of traveling to the US to deal with this matter.

I am sick and tired of hearing from you that I am some sort of a thief, based on an unenforceable non-compete agreement and your idea of fiduciary duties of an employee (or your idea that I was a partner). I am tired of you trying to intimidate.

This "valuable secret" info you say I stole from Kinney? Are you talking about the candidates (my friends) reaching out to me and discussing their careers? I surely did not take any info from Kinney. Are the candidates not allowed to tell me about their career now since I left Kinney? If you guys over in Texas were aware that, for example, James Chang has reasons to consider a move from Skadden, would you guys have any chance of representing him in such a job search? No.

Evan P. Jowers, Esq.

evan@evanjowers.com

+852.5502.3361



[Quoted text hidden]

Robert Kinney <robert@kinneyrecruiting.com>

Fiduciary duties owed by employees under FL law

Evan Jowers <evan@evanjowers.com>

Mon, Dec 26, 2016 at 7:14 PM

To: Robert Kinney <robert@kinneyrecruiting.com>

If by big problems, you simply mean that you may bring a lawsuit in HK, then I don't see what the "big problems" are. Again, unless you plan to spend well over \$500,000 on litigation, I can match you dollar for dollar. This is my life's work and my reputation so I am very passionate about this and have prepared myself financially for the fight I always expected you would bring.

I am not giving a list of all candidates I plan to or may represent for the next year. I am instead willing to be very generous regarding the live candidates. I can give you that list if you want, although prefer over the phone.

Evan P. Jowers, Esq.

evan@evanjowers.com

+852.5502.3361



[Quoted text hidden]

Robert Kinney <robert@kinneyrecruiting.com>

What is my credit on Alpasan Basaran?

Evan Jowers <evanjowers@yahoo.com>

Sun, Dec 18, 2016 at 1:10 PM

Reply-To: Evan Jowers <evanjowers@yahoo.com>

To: Robert Kinney <robert@kinneyrecruiting.com>

Yes, I would rather work out a deal with you, than go back and forth about how we don't agree with each other on these basic principals.

So let's just work out an agreement. I am willing to be more than reasonable.

Morgan called Bullhorn and had them move Kinney's entire database to her database. It's some looney tunes business there I don't want to be even compared to in same sentence :-)))

You always called it a non compete, but non solicitation is basically the same thing, for our purposes here.

You had a great run with me for 11 years. I left you an Asia business you would never have otherwise had. It's guaranteed profitable if you hire even an incompetent recruiter in HK to run with the platform I gave you. You also made millions in profit off of me over the past decade. That's great and I am happy for you and your family that happened.

I completely disagree that Kinney owns future submissions of attorney candidates who I have relations with (through my own efforts, with no help from Kinney, although I was employed by Kinney at the time). These are individuals who can choose who they would like to work with on future applications. The only reason Kinney is aware of some of these folks is because of my efforts.

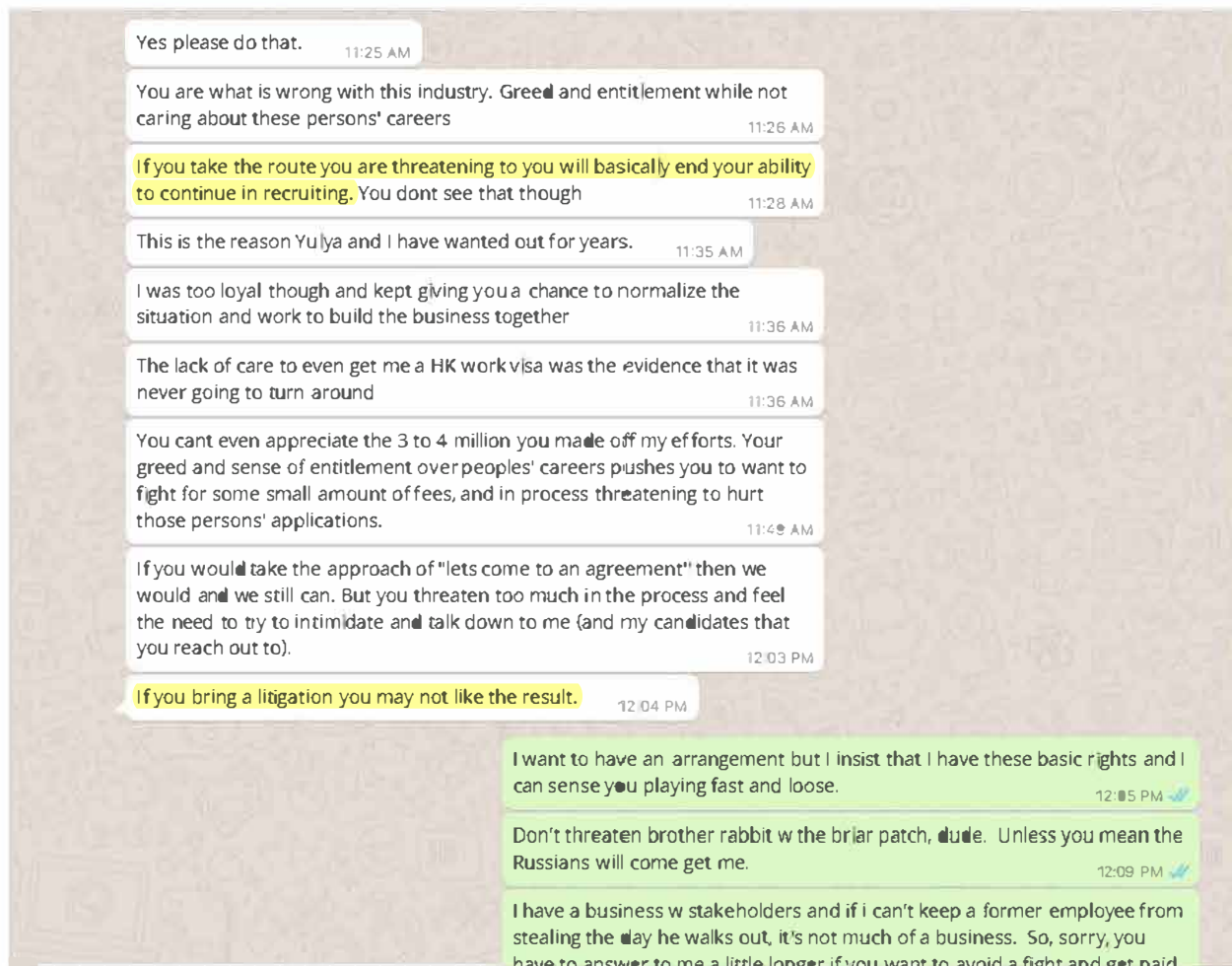
Folks like Ji Liu, Anthony Choi, Frank Sun, Doug Freeman, Charles Ching, CK Kim, Leiming Chen, Ben Su, David Kuo, Hui Xu, Wang Yang, etc. etc. (the list goes on for a mile) would never even consider working with you if you made efforts to prevent me from working with them or even advising and being in contact with them for 6 months (even if you were unsuccessful in those efforts). These persons can choose who will represent them in future job searches. Kinney or any recruiting firm only has ownership over those candidates at particular firms for the 6 months or longer than a submission / application is pending at a particular firm.

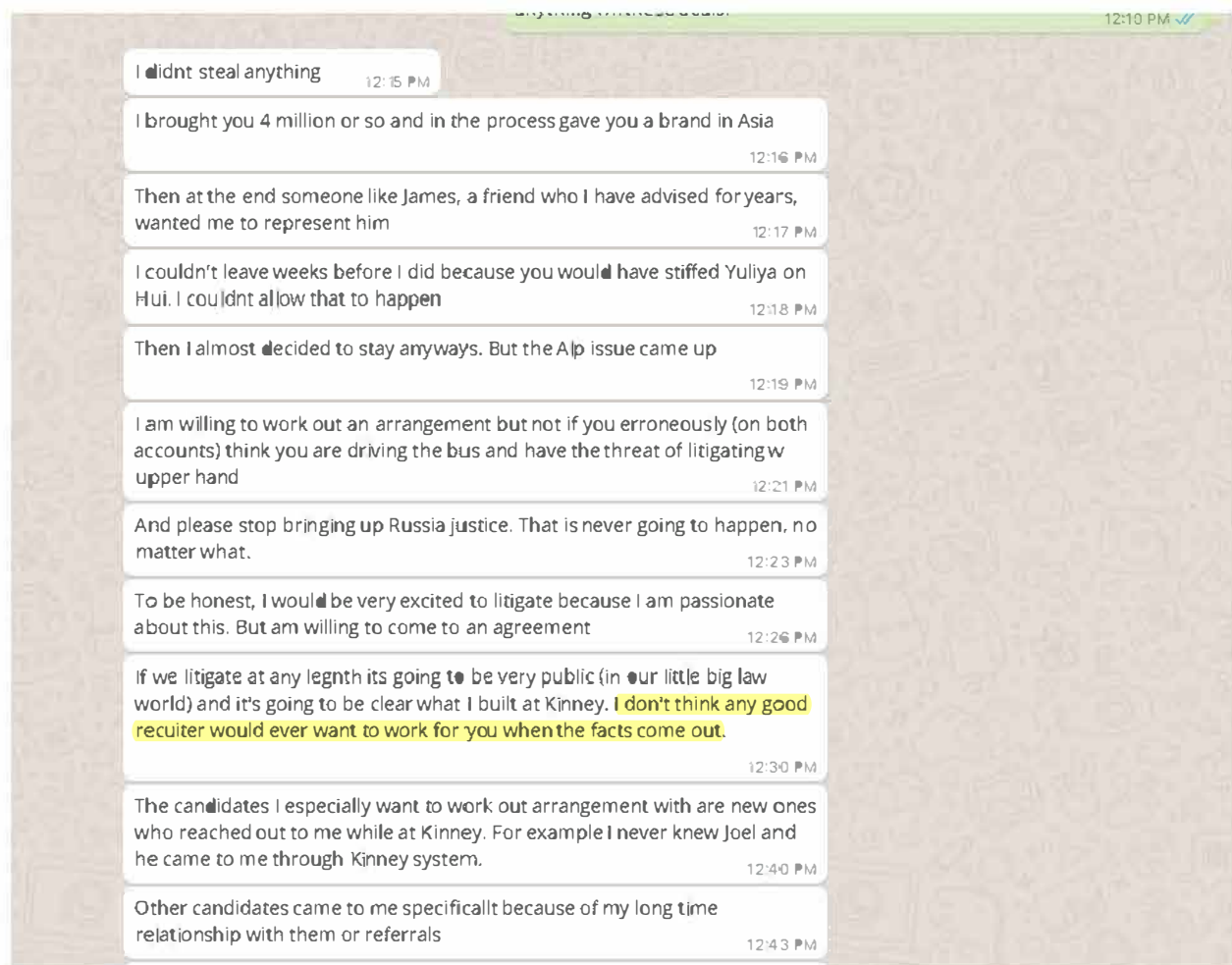
If you made efforts like this your reputation would be badly affected in the Asia markets we work in. It is well known how much profit and success I brought Kinney over 11 years in Asia and every senior partner I know well in the Asia markets has strongly advised for many years that I start my own shop. I have remained loyal to you and defended you for years, when given such strong advice.

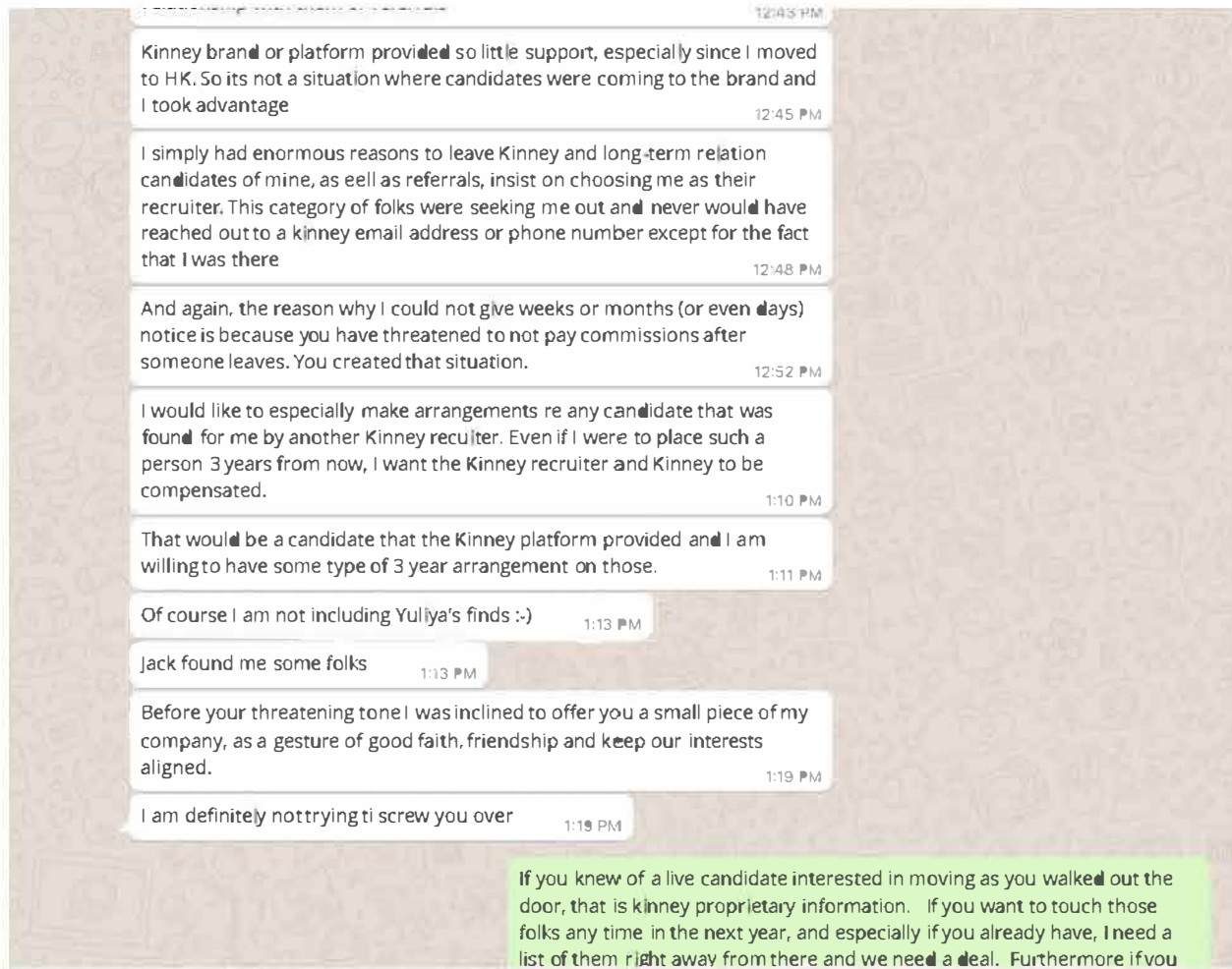
You can't enslave your recruiters - hire them and then provide little to no resources but have them figure out how to make it happen, and when someone brings in millions to Kinney, then further deplete their resources, threaten them with financial ruin and career ruin if they leave (by claiming ownership over the future representation of individual clients the recruiter brought to Kinney, as well as relations with attorneys who are not even the paying clients), all to ensure that you have absolutely zero risk and no investment while having solid profits.

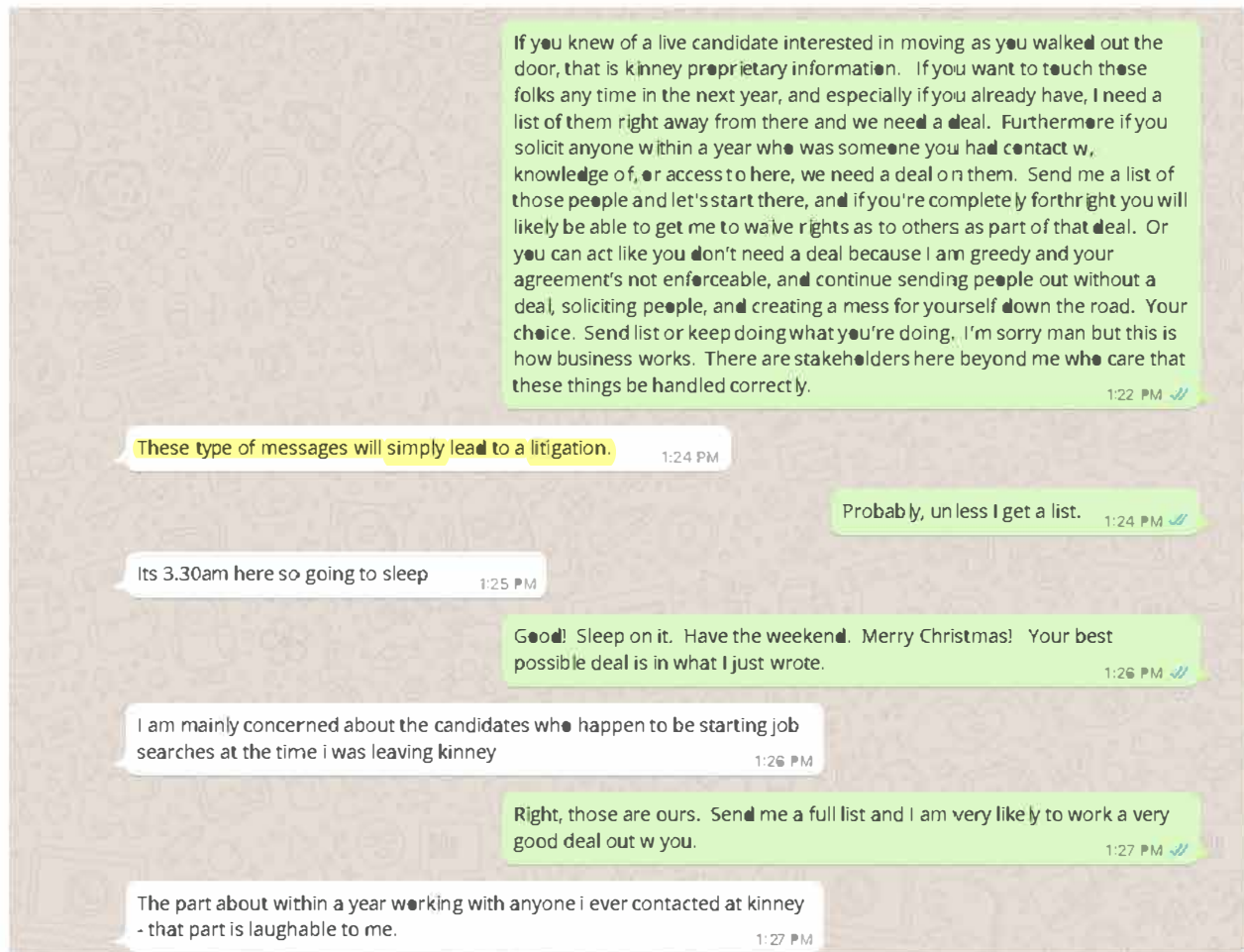
Your take on things is why you may not ever build a recruiting firm that is more than 5 active and producing recruiters at any given time. I hope you do expand Kinney and I wish you had allowed me to help you do it, but I just don't see it unless you change your outlook on things.

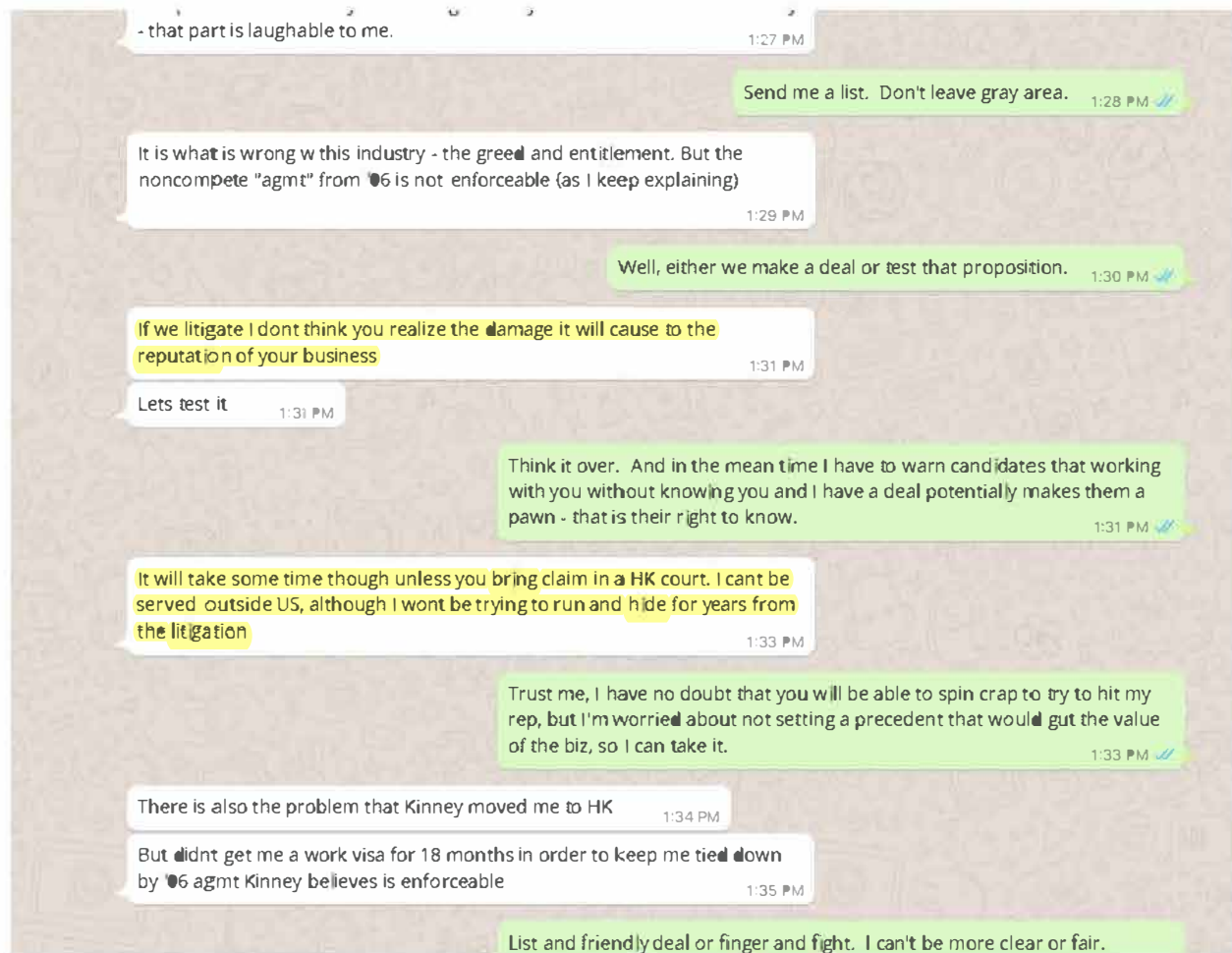
If we don't come to an agreement (and I hope and expect we will) and you were to able to bring some type of litigation against me on the matter, I will make it my life's mission to end once and for all time the greed and sense of entitlement recruiting companies have over recruiters in our industry.

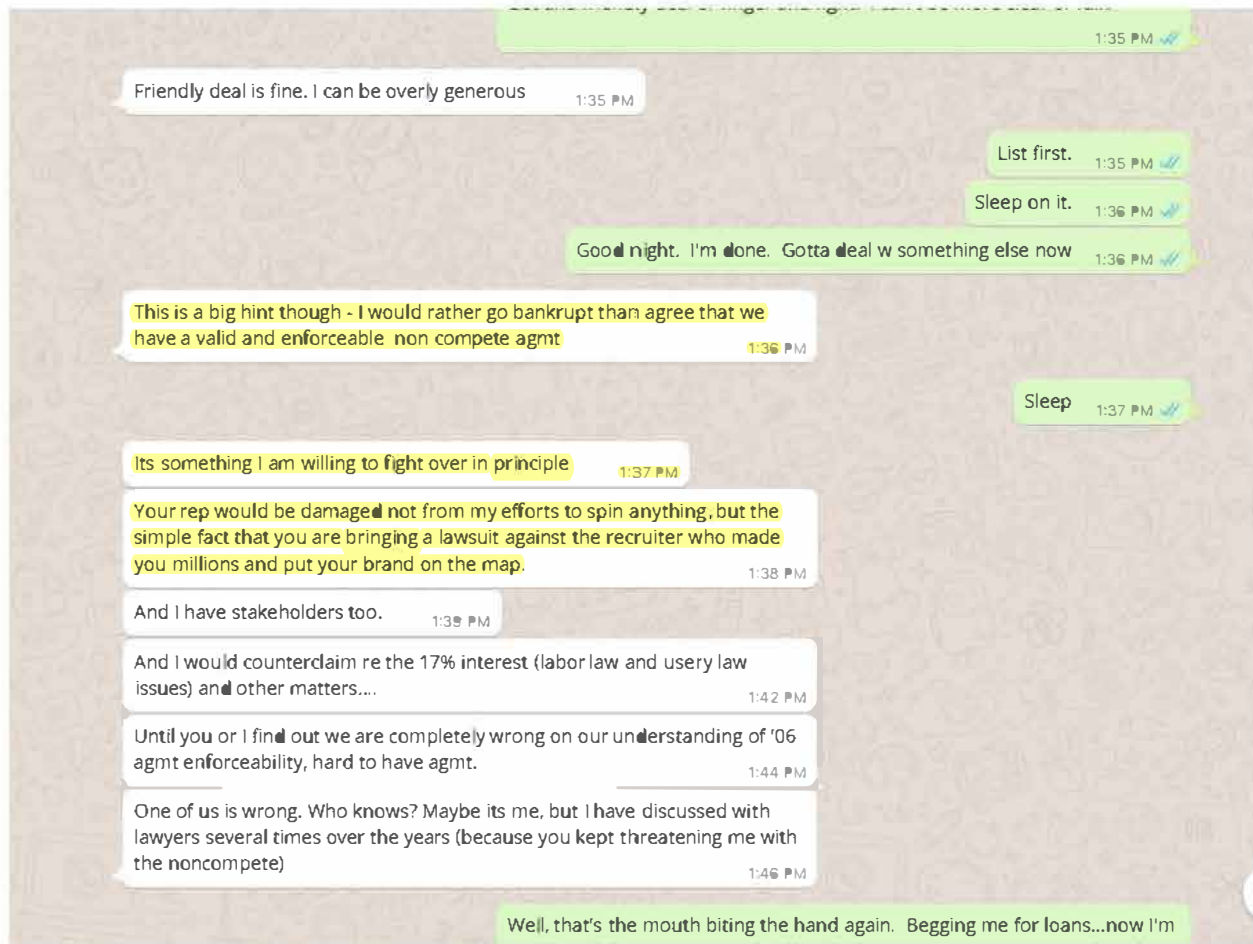


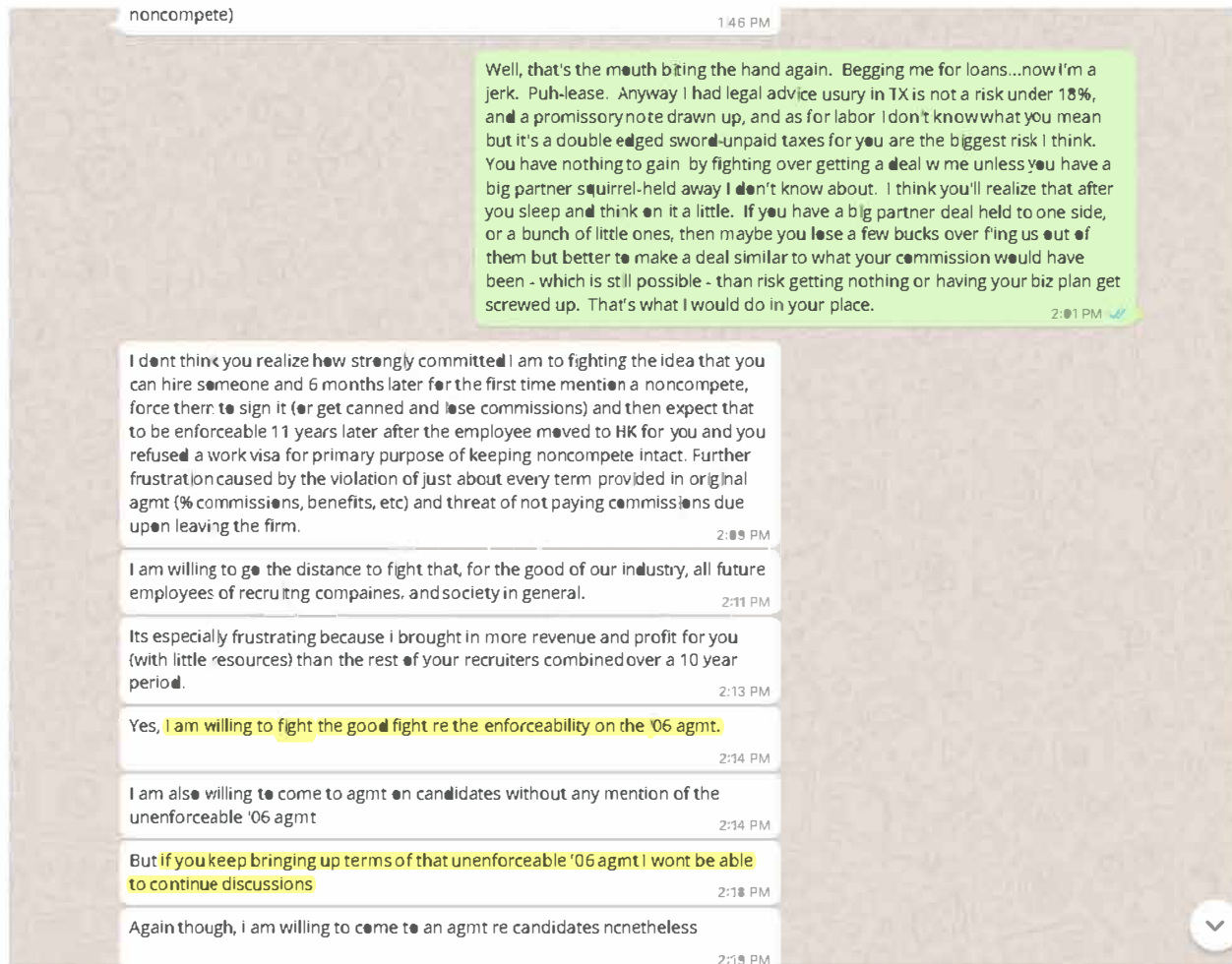


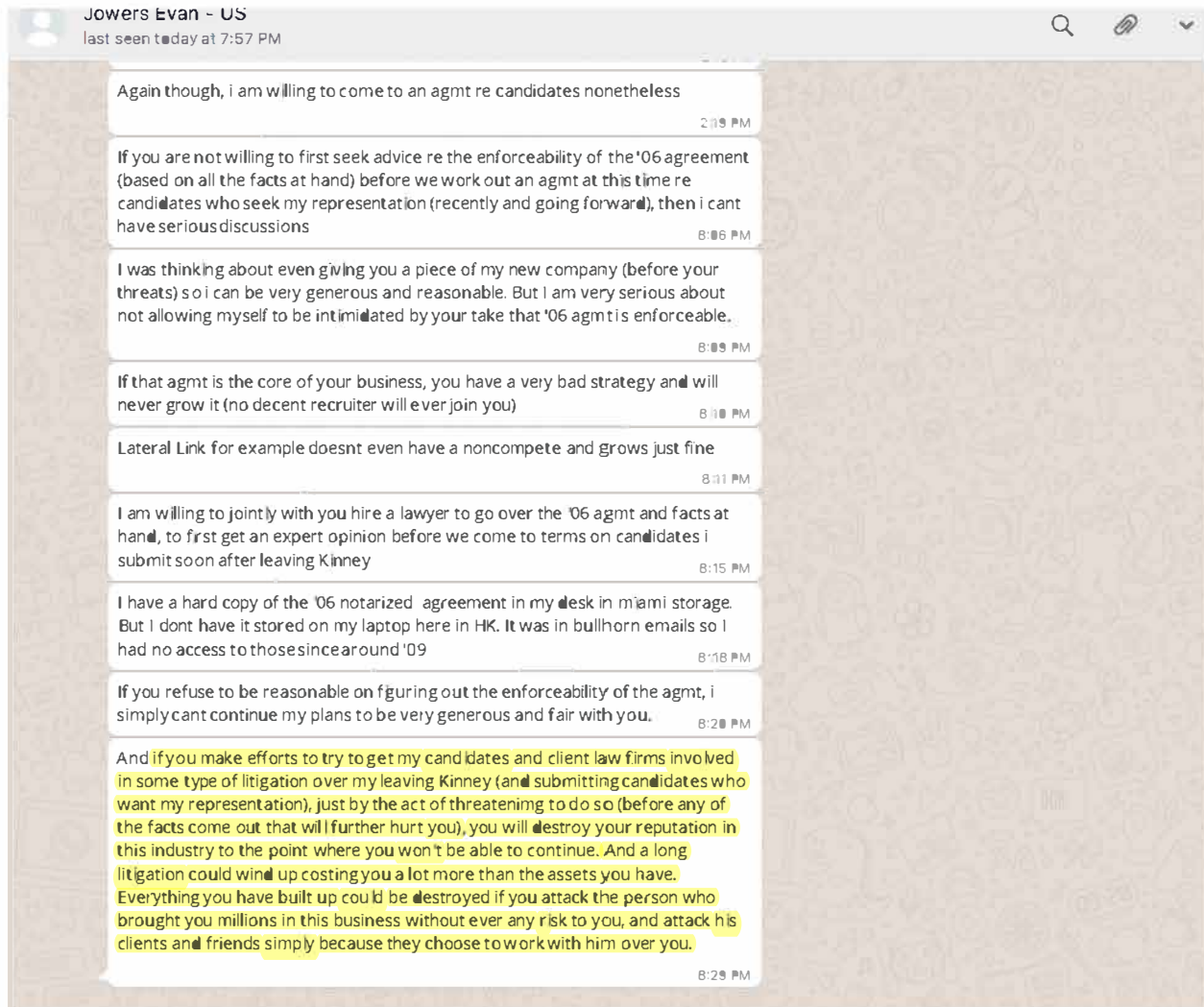












16(f) Filings

Robert Tauler <rtauler@taulersmith.com>

Thu, Oct 14, 2021 at 12:22 PM

To: Ray Mort <raymort@austinlaw.com>

Cc: Robert Kinney <robert@kinneypc.com>, Luca Stein <lstein@taulersmith.com>, "Tristan L." <tristan@loanzon.com>, Valerie Saryan <vsaryan@taulersmith.com>, Daniela Kimble <dkimble@taulersmith.com>

All right that sounds good. You are probably right about Judge Pitman, but there is so much to go over in this case. Just the Kinney Letter to the Admissions Committee is going to take a day alone. If I get the chance at this trial, I am going to roast Robert Kinney on the witness stand real slow like a pig over hot coals. I believe they call that a cookout where you are from. Yee haw!!!!

Robert Tauler, Esq.
Tauler Smith LLP
626 Wilshire Blvd. Suite 510
Los Angeles, CA 90017
(310) 590-3927
www.taulersmith.com

On Oct 14, 2021, at 10:11 AM, Ray Mort <raymort@austinlaw.com> wrote:

Robert,

On the proposed stip facts, please provide them by Tuesday, if possible for us to consider. We will do the same.

I'm doubtful that Judge Pitman is going to conduct two separate trials for two weeks each. But, as I said, we are ok with a stip of dismissal with prejudice.

Thanks,

Ray

On Oct 14, 2021, at 11:37 AM, Robert Tauler <rtauler@taulersmith.com> wrote:

First - Great! I will send a draft of stipulated facts.

Second - As for your damages, I honestly don't know what they are. Your rog responses are all over the map, and those differ from the motion opps. I guess we will call all the placements alleged to be scraped off the websites to be safe and you or your successor can deal with it later.

Third - There is only one CC left, and it is for Hong Kong Business Expenses. I don't think this is worth having a second trial after (as you know when there

is a counter claim you get two trials). It will double the length of the trial (four weeks instead of two). It's fine by me since I get paid by the hour, but I doubt you want to spend your donated time on these claims.

P.S. I am serious about Kronstadt - he put another patent troll in jail for making up fake companies like DSOU. You should dismiss the case you have in front of him. Had the case stayed with Snyder you would have been OK, but Kronstadt will drop the hammer on you. The moment Latham & Watkins figures out that the company/claim is fake you will be cooked and there will be no looking back. Perkowski doesn't know this since he is just a copyright troll for paparazzi images and judges in the central district (LA) know intellectual property given the amount of legitimate IP emanating from Hollywood, plus his claims are simple. This is much different than how patent cases are viewed in the Central District. Trust me, its not a picnic like Waco, let me tell you. Obviously do what you want, and consider this just some friendly advice from a fellow Texas Lawyer, but I don't see your Perkowski case working out well for you, and I am usually right about these things.

Robert Tauler, Esq.
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(310) 590-3927
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On Oct 14, 2021, at 9:00 AM, Ray Mort
<raymort@austinlaw.com> wrote:

Robert,

Let us know what stipulated facts you have in mind. We are all for it.

The damages we are seeking are outlines in our disclosures and rog responses.

We do not agree to dismiss the CCs without prejudice. We would agree to dismiss them with prejudice.

Thanks,

Ray

On Oct 14, 2021, at 10:55 AM, Robert Tauler
<rtauler@taulersmith.com> wrote:

Thanks, what about stipulated facts? This must be a joint submission logically since it is a "stipulation" and therefore agreed upon by the parties. It makes zero sense to do this separately. Is this how they do it in Texas?

For damages I am asking what YOU are seeking for damages. Two placements? Three? Infinity? This impacts the witnesses we will call (ie the candidates themselves).

For damages, I propose a stip to dismiss without prejudice. If you agree we can prepare.

By the way, I understand Peter Perkowski is recently your local counsel for one of your patent cases. Small world. I'll be sure to leave a good word with the admissions committee about your soon to be filed pro hac vice application. If I were you, I would avoid Judge Kronstadt. He doesn't like Texans.

Thanks,

Robert Tauler, Esq.
Tauler Smith LLP
626 Wilshire Blvd. Suite 510
Los Angeles, CA 90017
(310) 590-3927
www.taulersmith.com

On Oct 14, 2021, at 3:28 AM, Ray
Mort <raymort@austinlaw.com>
wrote:

Robert,

We can review the option of using common exhibits after the submissions are filed next Friday.

With respect to damages, the Court denied all of Jowers's grounds in his MSJ motion.

If Jowers's wishes to withdraw his CC, we are fine with that.

Thanks,

- Ray

<image001.jpg>

RAYMOND W.
MORT, III

-

THE MORT
LAW FIRM,
PLLC

100 CONGRESS
AVE · SUITE
2000

AUSTIN · TEXAS
· 78701

AustinLaw.com · (512)-677-6825 ·
RayMort@AustinLaw.com

The statements contained herein are not intended to and do not constitute an opinion as to any tax or other matter. They are not intended or written to be used, and may not be relied upon, by you or any other person for the purpose of avoiding penalties that may be imposed under any Federal tax law or otherwise.

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From: Robert Tauler
<rtauler@taulersmith.com>
Sent: Wednesday, October 13, 2021 10:10 AM
To: Ray Mort
<raymort@austinlaw.com>; Robert Kinney <robert@kinneypc.com>; Luca Stein
<lstein@taulersmith.com>; Tristan L. <tristan@loanzon.com>; Valerie Saryan
<vsaryan@taulersmith.com>; Daniela Kimble
<dkimble@taulersmith.com>
Subject: 16(f) Filings

Counsel,

As you know, our first round of 16(f) filings are due soon. Based on my review of the requirements, the only item that requires our collaboration are the stipulated facts, however, I think it makes sense to work together with respect to the exhibits so that we don't have duplicates at trial.

Also, for the witnesses, I think it makes sense to discuss the scope of the damages sought. I believe they are limited to the handful of placements identified in the Court's MSJ Order and the arguments advanced and adopted by the Court, but if you have a different view, then this will broaden our witness list. I think this warrants a quick

discussion since it will save the Court a good deal of time.

Finally, we are considering dismissal of the sole remaining counterclaim dubbed "Hong Kong Office Expenses" as the lack of any counterclaims would significantly streamline trial. I would like to discuss the parameters of this with you.

Accordingly, please let me know when you are available to discuss these matters or, if you don't want to speak, how you propose handling the above matters.

Warm regards,

Robert Tauler, Esq.

Tauler Smith LLP

626 Wilshire Blvd., Suite 510

Los Angeles, CA 90017

(213) 927-9270

www.taulersmith.com

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MWK RECRUITING, INC.,

Plaintiff,

v.

**EVAN P. JOWERS, YULIYA
VINOKUROVA, ALEJANDRO
VARGAS, and LEGIS VENTURES
(HK) COMPANY LIMITED (a/k/a
JOWERS/VARGAS),**

Defendants.

Civil Action No. 1:18-cv-00444

DEFENDANTS' INITIAL RULE 26(a) DISCLOSURES

Defendants Evan P. Jowers (“**Jowers**”), Yuliya Vinokurova (“**Vinokurova**”), Alejandro Vargas (“**Vargas**”), and Legis Ventures (HK) Company Limited (“**Legis Ventures**”) (collectively, “**Defendants**”) hereby serve on Plaintiff MWK Recruiting, Inc. (“**MWK**”) the following Initial Disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1).

Defendants’ investigation of the claims and defenses in this action is ongoing, and the disclosures below are based on information reasonably available to Defendants as of the date these disclosures are made following a good faith inquiry. Defendants reserve the right to supplement or correct their disclosures as information is acquired pursuant to Federal Rule of Civil Procedure 26(e).

These disclosures also are made without waiver of any objections that Defendants may have regarding the subject matter of the disclosures or any person, entity, or documents identified by Defendants. Specifically, Defendants reserve all objections, including but not limited to: (1) relevance; (2) applicable privilege under federal and state law, including the

attorney-client privilege, work-product protection, and common-interest privilege; (3) undue burden; (4) materiality; (5) overbreadth; and (6) admissibility.

1. Persons with Relevant Knowledge and Subject of Information

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(i), Defendants identify the following individuals likely to have discoverable information—along with the subjects of that information—that Defendants may use to support their defenses.

- a) Evan Jowers**
c/o Marc D. Katz
DLA PIPER LLP (US)
1717 Main Street, Suite 4600
Dallas, TX 75201
Telephone: (214) 743-4500
Facsimile: (214) 743-4545

Jowers currently works as an attorney recruiter for Legis Ventures. Jowers may have knowledge relevant to MWK's allegations and any allegations and defenses that may be asserted by Defendants in this lawsuit.

- b) Alejandro Vargas**
c/o Marc D. Katz
DLA PIPER LLP (US)
1717 Main Street, Suite 4600
Dallas, TX 75201
Telephone: (214) 743-4500
Facsimile: (214) 743-4545

Vargas currently works as an attorney recruiter for Legis Ventures and is its owner and director. Vargas may have knowledge relevant to MWK's allegations and any allegations and defenses that may be asserted by Defendants in this lawsuit.

- c) Yuliya Vinokurova**
c/o Marc D. Katz
DLA PIPER LLP (US)
1717 Main Street, Suite 4600
Dallas, TX 75201
Telephone: (214) 743-4500
Facsimile: (214) 743-4545

Vinokurova currently works as an attorney recruiter for Legis Ventures. Vinokurova may have knowledge relevant to MWK's allegations and any allegations and defenses that may be asserted by Defendants in this lawsuit.

d) Robert E. Kinney
824 W. 10th Street, Suite 202
Austin, TX 78701
Telephone: (512) 636-1395

Robert E. Kinney is the primary decision maker at MWK and the other entities relevant to the allegations in this lawsuit. He may have knowledge relevant to MWK's allegations and any allegations and defenses that may be asserted by Defendants in this lawsuit.

2. Documents and Things

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(ii), Defendants identify the following categories of documents, electronically stored information, and tangible things that Defendants have in their possession, custody, or control and that they may use to support their defenses.

- a) Documents and materials relating to Jowers's and Vinokurova's respective employment for entities controlled by Robert Kinney. These documents are located on electronic storage devices and/or in physical files within Defendants' possession, custody, or control.
- b) Documents and materials relating to Defendants' respective recruiting activities during the relevant time period. These documents are located on electronic storage devices and/or in physical files within Defendants' possession, custody, or control.
- c) Documents and materials relating to expenditures that Jowers was required to make for entities controlled by Robert Kinney and for which he was never

reimbursed. These documents are located on electronic storage devices and/or in physical files within Defendants' possession, custody, or control.

- d) Other information that may be discovered in the course of this litigation, including from MWK and third parties.

3. Damages

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(iii), Defendants state that they do not seek any damages at this time. However, Defendants intend to seek an award of their reasonable attorneys' fees and costs in an amount that cannot presently be calculated.

4. Indemnity and Insurance Agreements

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(iv), based on currently available information, Defendants are not aware of any insurance agreements under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Dated: November 9, 2018

Respectfully submitted,

By: /s/ Marc D. Katz

Marc D. Katz

State Bar No. 00791002

marc.katz@dlapiper.com

James C. Bookhout

State Bar No. 24087187

james.bookhout@dlapiper.com

Marina Stefanova

State Bar No. 24093200

marina.stefanova@dlapiper.com

DLA PIPER LLP (US)

1717 Main Street, Suite 4600

Dallas, TX 75201

Telephone: (214) 743-4500

Facsimile: (214) 743-4545

**COUNSEL FOR DEFENDANTS
EVAN P. JOWERS, ALEJANDRO VARGAS,
YULIYA VINOKUROVA, AND LEGIS
VENTURES (HK) COMPANY LIMITED**

CERTIFICATE OF SERVICE

I hereby certify that, on November 9, 2018, a true and accurate copy of the foregoing document was served to all counsel of record via email.

/s/ James C. Bookhout

James C. Bookhout

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MWK RECRUITING, INC.

Plaintiff,

v.

**EVAN P. JOWERS, YULIYA
VINOKUROVA, ALEJANDRO VARGAS,
and LEGIS VENTURES (HK) COMPANY
LIMITED (aka Jowers / Vargas),**

Defendants.

Civil Action No. 1:18-cv-00444

EVAN P. JOWERS

Counterclaimant,

v.

**MWK RECRUITING, INC., ROBERT E.
KINNEY, MICHELLE W. KINNEY,
RECRUITING PARTNERS GP, INC.,
KINNEY RECRUITING LLC, COUNSEL
UNLIMITED LLC, and KINNEY
RECRUITING LIMITED**

Counter-defendants.

**DEFENDANT-COUNTERCLAIMANT EVAN P. JOWERS'
SUPPLEMENTAL RULE 26(a) DISCLOSURE**

To: MWK RECRUITING INC. (also known as Counsel Holdings Inc.), ROBERT E. KINNEY, MICHELLE W. KINNEY, RECRUITING PARTNERS GP, INC., KINNEY RECRUITING LLC, COUNSEL UNLIMITED LLC, and KINNEY RECRUITING LIMITED, by and through their attorneys, Tristan C. Loanzon, Esq., Loanzon LLP, 1345 Avenue of the Americas, 2nd Floor, New York, NY 10105, tristan@loanzon.com; Raymond W. Mort, III, The Mort Law Firm, PLLC, 100 Congress Avenue, Suite 200, Austin, Texas 78701, raymort@austinlaw.com; and Robert E. Kinney, 824 W. 10th Street, Suite 200, Austin, Texas 78701, robert@kinneyrecruiting.com

WEST\290582957.1

Defendant and Counterclaimant Evan P. Jowers (“**Jowers**”) hereby serves the following supplemental disclosure pursuant to Federal Rule of Civil Procedure 26(a)(1) and 26(e).

Jowers’s investigation of the claims and defenses in this action is ongoing, and the disclosures below are based on information reasonably available to Jowers as of the date these disclosures are made following a good faith inquiry. Jowers reserves the right to supplement or correct their disclosures as information is acquired pursuant to Federal Rule of Civil Procedure 26(e).

This disclosure also is made without waiver of any objections that Jowers may have regarding the subject matter of the disclosures or any person, entity, or documents identified by Jowers. Specifically, Jowers reserve all objections, including but not limited to: (1) relevance; (2) applicable privilege under federal and state law, including the attorney-client privilege, work-product protection, and common-interest privilege; (3) undue burden; (4) materiality; (5) overbreadth; and (6) admissibility.

Persons with Relevant Knowledge and Subject of Information

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(i), Jowers identifies the following individuals likely to have discoverable information—along with the subjects of that information—that Jowers may use to support his defenses and counterclaims.

a) Evan Jowers

c/o Robert Tauler
Tauler Smith LLP
626 Wilshire Blvd., Suite 510
Los Angeles, CA 90017

Jowers currently works as an attorney recruiter for Legis Ventures. Jowers may have knowledge relevant to MWK’s allegations and any allegations and defenses that may be asserted by Jowers in this lawsuit.

b) Alejandro Vargas

c/o Marc D. Katz
DLA Piper LLP (US)
1717 Main Street, Suite 4600
Dallas, TX 75201

Vargas currently works as an attorney recruiter for Legis Ventures and is its owner and director. Vargas may have knowledge relevant to MWK's allegations and any allegations and defenses that may be asserted by Jowers in this lawsuit.

c) Yuliya Vinokurova

c/o Marc D. Katz

DLA Piper LLP (US)

1717 Main Street, Suite 4600

Dallas, TX 75201

Vinokurova currently works as an attorney recruiter for Legis Ventures. Vinokurova may have knowledge relevant to MWK's allegations and any allegations and defenses that may be asserted by Jowers in this lawsuit.

d) Robert E. Kinney

824 W. 10th Street, Suite 202

Austin, TX 78701

Robert E. Kinney is the primary decision maker at MWK and the other entities relevant to the allegations in this lawsuit. He may have knowledge relevant to MWK's allegations and any allegations and defenses that may be asserted by Jowers in this lawsuit.

e) Amanda Steelman

6624 San Bonita Ave., Apt. 2W

Clayton, MO 63015

The business and employment practices of Mr. Kinney and his companies.

f) Christian Miller

6228 Curzon Ave.

Fort Worth, TX 76116

The business and employment practices of Mr. Kinney and his companies.

g) Christopher Miller

1001 Lake Forest Drive

Southlake, TX 76116

The business and employment practices of Mr. Kinney and his companies.

h) Daniel Cyr

172 Union St., Apt. 3L

Brooklyn, NY 11231

The business and employment practices of Mr. Kinney and his companies.

i) Danielle Graham

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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, I electronically served the foregoing document by email, pursuant to agreement of the parties, addressed as follows:

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By: /s/ Robert Tauler
Robert Tauler, Esq.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MWK RECRUITING, INC.

Plaintiff,

v.

**EVAN P. JOWERS, YULIYA
VINOKUROVA, ALEJANDRO VARGAS,
and LEGIS VENTURES (HK) COMPANY
LIMITED (aka Jowers / Vargas),**

Defendants.

Civil Action No. 1:18-cv-00444

EVAN P. JOWERS

Counterclaimant,

v.

**MWK RECRUITING, INC., ROBERT E.
KINNEY, MICHELLE W. KINNEY,
RECRUITING PARTNERS GP, INC.,
KINNEY RECRUITING LLC, COUNSEL
UNLIMITED LLC, and KINNEY
RECRUITING LIMITED**

Counter-defendants.

**DEFENDANT-COUNTERCLAIMANT EVAN P. JOWERS'
SUPPLEMENTAL RULE 26(a) DISCLOSURE**

To: MWK RECRUITING INC. (also known as Counsel Holdings Inc.), ROBERT E. KINNEY, RECRUITING PARTNERS GP, INC., KINNEY RECRUITING LLC, COUNSEL UNLIMITED LLC, and KINNEY RECRUITING LIMITED (the "Kinney Entities"), by and through their attorneys, Tristan C. Loanzon, Esq., Loanzon LLP, 1345 Avenue of the Americas, 2nd Floor, New York, NY 10105, tristan@loanzon.com; Raymond W. Mort, III, The Mort Law Firm, PLLC, 100 Congress Avenue, Suite 200, Austin, Texas 78701, raymort@austinlaw.com; and Robert E. Kinney, 824 W. 10th Street, Suite 200, Austin, Texas 78701, robert@kinneyrecruiting.com

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Defendant and Counterclaimant Evan P. Jowers (“Jowers”) hereby serves the following supplemental disclosure pursuant to Federal Rule of Civil Procedure 26(a)(1) and 26(e).

Jowers’s investigation of the claims and defenses in this action is ongoing, and the disclosures below are based on information reasonably available to Jowers as of the date these disclosures are made following a good faith inquiry. Jowers reserves the right to supplement or correct their disclosures as information is acquired pursuant to Federal Rule of Civil Procedure 26(e).

This disclosure also is made without waiver of any objections that Jowers may have regarding the subject matter of the disclosures or any person, entity, or documents identified by Jowers. Specifically, Jowers reserve all objections, including but not limited to: (1) relevance; (2) applicable privilege under federal and state law, including the attorney-client privilege, work-product protection, and common-interest privilege; (3) undue burden; (4) materiality; (5) overbreadth; and (6) admissibility.

3. Damages

Pursuant to FRCP 26(a)(1)(A)(iii), Jowers states that he is seeking the following amounts in unpaid wages, salary, and commissions from 2007 to 2016 as to Counterclaims 1-3 (if the Employment Agreement is determined to be valid) and/or Counterclaims 4 and 11 (if the Employment Agreement is determined to not be valid), totaling \$2,650,444.

Year	Commission Earned Under 2006 “Contract”	Commission Actually Received	Difference
2007	\$ 486,438	\$452,099	\$(34,339.68)
2008	\$539,771	\$399,681	\$(140,090)
2009	\$185,088	\$134,224	\$(50,864)
2010	\$487,692	\$334,066.32	\$(153,626)
2011	\$1,095,472	\$663,846	\$(431,626)
2012	\$667,098	\$257,865	\$(409,233)
2013	\$475,464	\$314,910	\$(160,554)
2014	\$914,020	\$396,767	\$(517,253)
2015	\$1,057,617	\$657,449	\$(400,168)
2016	\$872,477	\$519,785	\$(352,692)
Total	\$6,169,236	\$3,678,593	\$(2,650,444)

The above figures do not include certain transactions where the Kinney Entities retained additional improper amounts regarding compensation or loans and/or any offsets for the same, which are subject to continuing discovery and expert analysis. These figures will be supplemented if and when more accurate figures are calculated.

Defendants also intend to seek an award of their attorneys' fees and costs on claims based on the employment contract, the loan contracts, and the trade secrets claims. These amounts cannot presently be calculated.

Respectfully submitted,

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